

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
V.	§	No. 3:02-CR-396-M (01)
	§	
ADRIAN ESTABAN SANCHEZ	§	
HEREDIA	§	
	§	
Defendant.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE  
JUDGE AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS***

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. An objection was filed by Defendant. The District Court reviewed *de novo* those portions of the proposed Findings, Conclusions, and Recommendation to which objection was made, and reviewed the remaining proposed Findings, Conclusions, and Recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Under Fed. R. App. P. 24(a)(3)(A) and 28 U.S.C. § 1915(a)(3), and for the reasons stated in the magistrate judge's findings, conclusions, and recommendation, the Court CERTIFIES that this appeal is not taken in good faith. But the Court notifies Defendant that he may challenge this finding, pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

The Court assesses an initial partial filing fee of **\$57.00**, which is 20% of the

average amount deposited into Defendant's account for the 6-month period immediately preceding the filing of the notice of appeal, in which \$1,710.00 was deposited into his account. *See* Dkt. No. 460 at 2-3.

The agency having custody of Defendant shall collect this amount from the trust fund account or institutional equivalent, when funds are available, and forward it to the clerk of the district court. *See* 28 U.S.C. § 1915(b)(1). Thereafter, Defendant shall pay **\$448.00**, the balance of the filing fee, in periodic installments. Defendant is required to make payments of **20%** of the preceding month's income credited to his prison account, provided the account exceeds **\$10.00**, until he has paid the total filing fee of **\$505.00**. The agency having custody of Defendant shall collect this amount from the trust fund account or institutional equivalent, when funds are available and when permitted by 28 U.S.C. § 1915(b)(2), and forward it to the clerk of the district court.

If Defendant moves in the Court of Appeals to proceed on appeal IFP, the clerk shall send a copy of this order to the inmate accounting office or other person(s) or entity with responsibility for collecting and remitting to the district court interim filing payments on behalf of prisoners, as designated by the facility in which the prisoner is currently or subsequently confined.

SO ORDERED this 23rd day of May, 2016.

  
BARBARA M. G. LYNN  
CHIEF JUDGE